

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

TIMOTHY P. THOMASON,)
Plaintiff,)
vs.)
GMAC MORTGAGE)
CORPORATION,)
Defendant.)
) CASE NO. 3:05:CV:1056-F

**PLAINTIFF'S REPLY TO GMAC MORTGAGE CORPORATION'S
RESPONSE TO PLAINTIFF'S MOTION TO REMAND**

Comes now the Plaintiff in the above styled cause and replies to GMAC Mortgage Corporation's Response to Plaintiff's Motion to Remand as follows:

1. Plaintiff relies upon his Brief filed in conjunction with Plaintiff's Motion to Remand and the authority cited therein.
2. Plaintiff further states that the Defendant has still failed to provide the Court with any evidentiary support for the proposition that Plaintiff's claims exceed \$75,000.00. Thus, Defendant has failed to meet its heavy burden of proving to a legal certainty that Plaintiff's claims exceed \$75,000.00.

WHEREFORE, the premises considered, Plaintiff respectfully requests that his Motion to Remand be granted and that he be granted such other relief as the Court may deem him entitled to receive.

/S/ James R. McKoon, Jr.

JAMES R. McKOON, JR. (MCK020)
Attorney for Plaintiff
McKoon & Thomas
P. O. Box 3220
Phenix City, Alabama 36868-3220
(334) 297-2300

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on the following by directing same of their office addresses through first-class, United States mail, postage prepaid, on this the 13th of December, 2005.

Reid S. Manley, Esq.
Robert R. Maddox, Esq.
Burr & Forman
420 North Twentieth Street
Suite 3100
Birmingham, Alabama 35203-5206

/S/ James R. McKoon, Jr.

OF COUNSEL